



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller
Laurie Milhiser
Chief Executive Office
John F. Krattli
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, August 1, 2011, at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- a. Avery Cody Sr., et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 023 947

This wrongful death lawsuit concerns the use of lethal force by a Sheriff's Deputy; settlement is recommended in the amount of \$500,000.

[See Supporting Documents](#)

- b. I-Yin Aoki, et al v. Los Angeles County Sheriff's Department and Ron Blankenbaker
Los Angeles Superior Court Case No. GC 44276

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$22,500.

[See Supporting Documents](#)

- c. Carol Whittington v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 021 448
Claim of Chermaine Fontenette

These claims arise from injuries sustained in a vehicle accident involving an employee of the Fire Department; settlement is recommended in the amount of \$53,000.

[See Supporting Documents](#)

- d. One Case – (Case Under Seal)
- e. Audit of Time Warner Cable Franchise Areas

This matter concerns cable franchise payments owed to the County by Time Warner; settlement is recommended whereby the County will accept payment in the amount of \$140,000.

[See Supporting Document](#)

- f. Suzana Jones v. County of Los Angeles and Charles Ellis v. County of Los Angeles (Cross-Complaint)
Los Angeles Superior Court Case No. BC 432 024

This matter concerns allegations of sexual harassment by an employee of the Department of Mental Health; a total settlement is recommended in the amount of \$275,000.

- 4. Report of actions taken in Closed Session.
- 5. Approval of the minutes of the July 14, 2011, special meeting of the Claims Board.

[See Supporting Document](#)

- 6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.
- 7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Avery Cody, Sr., et al
CASE NUMBER	TC 023947
COURT	Los Angeles Superior Court, Compton Branch
DATE FILED	2/11/2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 500,000.
ATTORNEY FOR PLAINTIFF	The Sweeney Firm
COUNTY COUNSEL ATTORNEY	Ruben Baeza, Jr.
NATURE OF CASE	<p>Plaintiffs Avery Cody, Sr. and La Shay Meloncon, the surviving parents of Avery Cody, Jr., allege that their son was wrongfully shot and killed by Sheriff Deputies.</p> <p>The Sheriff's Department contends that the use of lethal force was objectively reasonable and necessary as Avery Cody, Jr., possessed a handgun and pointed it at the Deputy.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount for \$500,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$ 212,863.00

PAID COSTS, TO DATE \$ 80,963.00

Case Name: Cody Avery, Sr., et al. v. County of Los Angeles



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Sunday, July 5, 2009; approximately 3:40 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Cody Avery, Sr., et al. v. County of Los Angeles</u> Summary Corrective Action Plan No. 2011-017</p> <p>On Sunday, July 5, 2009, at approximately 3:40 p.m., two Los Angeles County deputy sheriffs assigned to the Los Angeles County Sheriff's Department's Operation Safe Streets Bureau were driving an unmarked patrol car north on Poinsettia Avenue, south of Alondra Boulevard, Compton.</p> <p>While stopped at the intersection of Poinsettia Avenue and Alondra Boulevard, the deputies observed the plaintiff's son, 16-year-old Avery Cody, Jr., and three companions (one adult; two minors), walking west on Alondra Boulevard, west of Poinsettia Avenue. The individuals appeared to the deputy sheriffs to be members of a local street gang.</p> <p>The deputies initiated contact with the four individuals. Three of the individuals immediately stopped and walked toward the patrol car. The fourth individual, the plaintiff's 16-year-old son, hesitated. The sergeant observed the plaintiff's son use both hands to roll up the bottom of his shirt just above his waistband and grip the butt of a handgun. He then let his shirt fall back down, covering his waistband and concealing the handgun. The plaintiff's son suddenly turned and ran from the deputies. While the sergeant remained with the three individuals, the deputy followed the fleeing individual.</p> <p>As the plaintiff's son was running, the deputy saw him remove the handgun from his waistband. He ran onto Alondra Boulevard and when he reached the middle of the eastbound lanes, he turned toward the deputy with the handgun in his left hand. Fearing for his life, the deputy fired two rounds from his duty weapon, striking the plaintiff's son.</p> <p>The plaintiff's son was transported to Saint Francis Medical Center where he was pronounced dead.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The plaintiff, father of the deceased, claims damages for the wrongful death of his son.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

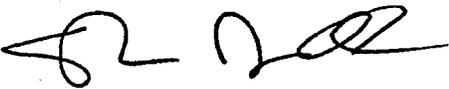
The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

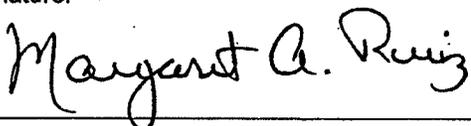
The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

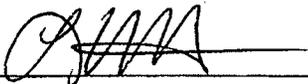
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 6/30/11

Name: (Department Head)	
Margaret A. Ruiz, Acting Chief Leadership and Training Division	
Signature: 	Date: 07-05-11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 7/19/2011

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	I-Yin Aoki, et al. v. Los Angeles County Sheriff's Department and Ron Blankenbaker
CASE NUMBER	GC44276
COURT	Los Angeles Superior Court
DATE FILED	December 11, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 22,500 I-Yin Aoki 35,000 Fong Chen
ATTORNEY FOR PLAINTIFF	Law Office of Scott Warmuth and co-counsel Thomas J. Johnston
COUNTY COUNSEL ATTORNEY	Robert B. Reagan
NATURE OF CASE	I-Yin Aoki and Fong Chen were rear-ended by a Sheriff's deputy and claimed soft-tissue injuries. Due to the risks and uncertainties of litigation, the Office of the County Counsel is recommending settlement of this lawsuit in the amount of \$57,500. The Sheriff's Department concurs in this recommendation.
PAID ATTORNEY FEES, TO DATE	\$ 14,677.39
PAID COSTS, TO DATE	\$ 3,400.00

Case Name: Aoki, et al. v. County of Los Angeles, et al.



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Date of incident/event:	Sunday, June 14, 2009; 4:00 p.m.
Briefly provide a description of the incident/event:	<p><u>Aoki, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2011-015</p> <p>On Sunday, June 14, 2009, at approximately 4:00 p.m., a Los Angeles County deputy sheriff was driving a standard County of Los Angeles-owned black and white patrol vehicle east on Foothill Boulevard, east of Gould Avenue, La Canada-Flintridge, when the vehicle he was driving collided with a vehicle traveling directly in front of him in the same direction.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

This traffic collision was investigated by representatives from the Los Angeles County Sheriff's Department. Their investigation concluded that the deputy sheriff caused the traffic collision by violating California Vehicle Code section 21703, Following Too Closely.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

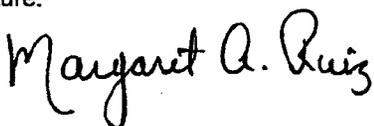
The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

County of Los Angeles
Summary Corrective Action Plan

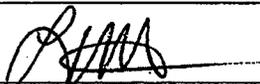
3. State if the corrective actions are applicable to only your department or other County departments:
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- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 6/2/11

Name: (Department Head) Margaret A. Ruiz, Acting Chief Leadership and Training Division	
Signature: 	Date: 06-02-11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 6/8/2011

tRisk Mgt. Inspector General/CAP-SCAP-RECAP/Summary Corrective Action Plan Form 2-01-10 (Final).docx

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Carol Whittington vs. County of Los Angeles, et al. and Claim of Chermaine Fontenette
CASE NUMBER	MC 021448
COURT	Los Angeles Superior Court – North Lancaster District
DATE FILED	March 26, 2010
COUNTY DEPARTMENT	Los Angeles County Fire Department
PROPOSED SETTLEMENT AMOUNT	\$29,000 for Carol Whittington \$24,000 for Chermaine Fontenette
ATTORNEY FOR PLAINTIFF	Catherine Thong, Esq. P. K. Schrieffer LLP
COUNTY COUNSEL ATTORNEY	Robert B. Reagan Principal Deputy County Counsel
NATURE OF CASE	<p>Claims were filed by Carol Whittington and Chermaine Fontenette who seek damages for personal injuries sustained in a motor vehicle accident involving an employee of the Los Angeles County Fire Department ("LACFD").</p> <p>On November 3, 2009, at approximately 5:30 a.m. a County-owned Fire Department paramedic squad truck, driven by an employee of the LACFD, during the course and scope of his duties as a Fire Fighter/Paramedic, was involved in an intersectional collision with two vehicles. This settlement deals with his collision with a Ford Econoline van, owned by NBC Universal, and being driven by Carol Whittington, and a vehicle driven by Chermaine Fontenette.</p> <p>The paramedic squad truck was not operating in Code 3/R mode (emergency lights and sirens activated) and was on its way by back to the fire station after a call.</p>

This case is one of probable liability.

The Office of the County Counsel joins our third-party administrator, Carl Warren & Company and our private counsel, Monroy, Averbuck & Gysler, in recommending settlement of these claims in the amount of \$29,000 for Ms. Whittington and the amount of \$24,000 for Ms. Fontenette. The Los Angeles County Fire Department concurs in this settlement recommendation.

APPROXIMATE ATTORNEY FEES, TO DATE	\$18,166 (Whittington)
	\$0 (Fontenette claim)
APPROXIMATE COSTS, TO DATE	\$712 (Whittington)
	\$553.65 (Fontenette claim)



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Date of incident/event:	November 3, 2009
Briefly provide a description of the incident/event:	<p>A paramedic squad was traveling East on Avenue S in Palmdale returning from a response at approximately 5:20 am. The driver slowed for a red light and then saw a light turn green before coming to a complete stop. When the squad entered the intersection the first vehicle in West facing left turn lane turned in front of the squad into the park & ride lot as they had a green light. The squad struck the right side of the first vehicle and veered into the West facing left turn lane where the second vehicle that was driven by the plaintiff had stopped because of the accident. The squad struck that vehicle head on.</p> <p>It was determined that the green light the employee saw was actually another signal further down the road. However, the signal at the intersection where he was located was actually red for his direction of travel. The vehicles turning left from the West facing left turn lane had a green arrow.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

1. Failure to stop at a red light.
2. Confusion as to status of traffic signals.
3. Inattention and/or distraction while driving.

County of Los Angeles
Summary Corrective Action Plan

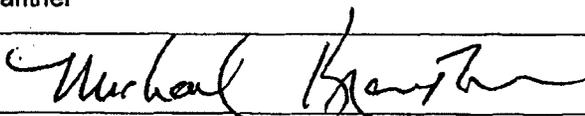
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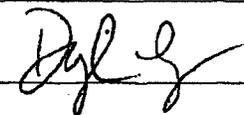
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

1. Employee will receive a Notice of Instruction regarding safe driving practices – due May 15, 2011 – by Deputy Chief Metro 2. Employee will take defensive driving course at Central Operations Bureau – complete course by June 30, 2011 – by Deputy Chief Metro

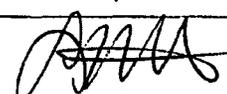
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- Potentially has County-wide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) Michael Kranther	
Signature: 	Date: 6/29/11

Name: (Department Head) Daryl L. Osby, Fire Chief	
Signature: 	Date: 06/28/11

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 6/30/2011

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Audit of Time Warner Cable Franchise Areas
CASE NUMBER		N/A
COURT		N/A
DATE FILED		N/A
COUNTY DEPARTMENT		Chief Executive Office
PROPOSED SETTLEMENT AMOUNT	\$	Accept \$140,000 settlement offer
ATTORNEY FOR PLAINTIFF		Joseph Van Eaton, Esq. Miller & Van Eaton (now Best, Best & Krieger)
COUNTY COUNSEL ATTORNEY		Lawrence Green
NATURE OF CASE		This is a proposed settlement of a County audit of four franchise agreements held by Time Warner for the operation of cable television systems within portions of the unincorporated County. The audit showed a total of \$257,429 owed to the County for 2004 through 2007, inclusive, consisting of \$61,410 in underpaid franchise fees, plus late fees, interest, and audit reimbursement fees.
PAID ATTORNEY FEES, TO DATE	\$	15,279.78 (outside counsel)
PAID COSTS, TO DATE	\$	\$2,410.47 (outside counsel)

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

July 14, 2011

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 2:07 p.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo and John Krattli. Laurie Milhiser was absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Narbeh Bagdasarian, Roger Granbo, Vicki Kozikoujekian, Christopher Keosian, Pirjo L. Ranasinghe, Lillian Campos, Richard Kudo, and Robert Reagan; Department of Health Services: Dr. Gail Anderson, Kim McKenzie, and Nancy Lefcourt; Sheriff's Department: Lt. Patrick Hunter; Department of Public Works: Michael Hays, Keith Lehto, and Marty Moreno; Outside Counsel: Geoffrey Sheldon and Tomas Gutierrez.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 2:10 p.m., the Chairperson adjourned the meeting into Closed Session to discuss the item listed as 4(a) through 4(i) below.

4. Report of actions taken in Closed Session.

At 4:20 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Lena Awad, et al. v. County of Los Angeles Los Angeles Superior Court Case No. TC 023 805

This lawsuit arises from treatment received by a patient while hospitalized at the Harbor/UCLA Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$475,000 plus the assumption of the Medi-Cal lien in the amount of \$22,418.86.

Vote: Unanimously carried
Absent: Laurie Milhiser

b. **Federico Juarez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. TC 023 957

This lawsuit arises from injuries received from a slip and fall on a sidewalk in front of the Carson Sheriff's Station.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

Vote: Unanimously carried
Absent: Laurie Milhiser

c. **Bruce Vallerand, et al. v. County of Los Angeles**
United States District Court Case No. CV 09-05057
DMG (VBKx)

This lawsuit concerns allegations that the Sheriff's Department violated the Fair Labor Standards Act.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

Vote: Unanimously carried
Absent: Laurie Milhiser

d. **Mary Baltazar v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 391 690

This lawsuit concerns allegations that an employee of the Sheriff's department was subjected to retaliation and failure to reasonably accommodate.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$48,500.

Vote: Unanimously carried
Absent: Laurie Milhiser

e. **Rosa Paez v. County of Los Angeles**
Los Angeles Superior Court Case No. CV 056 374

This lawsuit arises from injuries sustained in a vehicle accident involving a Sheriff's patrol car; authority is requested to make a statutory offer.

Action Taken:

This item was taken off the Claims Board calendar.

Vote: Unanimously carried
Absent: Laurie Milhiser

f. **Estate of David Joseph Levee, et al. v. County of Los Angeles**
United States District Court Case No. CV 10-1266 (SJO)

This lawsuit arises from the suicide of an individual in the custody of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

Vote: Unanimously carried
Absent: Laurie Milhiser

g. **Steven Arther v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 020 952

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Department of Public Works.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$30,000.

Vote: Unanimously carried
Absent: Laurie Milhiser

h. Claims of Carlos Ruelas, Elena Ruelas, and Solomon Zamora

These claims seek compensation for damage caused by a sewer back-up.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$57,500.

Vote: Unanimously carried
Absent: Laurie Milhiser

i. Claim of Richard Michael Kaye

This claim concerns allegations of sexual assault and battery by an employee of the Department of Public Health; settlement is recommended in the amount of \$37,500.

Action Taken:

The Claims Board continued this item.

Vote: Unanimously carried
Absent: Laurie Milhiser

5. Approval of the minutes of the June 20, 2011, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes of the June 20, 2011, regular meeting of the Claims Board.

Vote: Unanimously carried
Absent: Laurie Milhiser

6. Adjournment.

The meeting was adjourned at 4:30 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza